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To: Representative Diana Farrington, Chair Financial Services Committee, Representative Michael Webber, Sponsor of HB 4658, and Honorable members of the Committee

From: Lori Frank, President of the Michigan Creditors Bar Association, and Michael H.R. Buckles, Government Affairs Director of MCBA.

Re: Opposition to HB 4658

Date: September 6, 2017

Dear Chairwoman Farrington and Representative Webber:

The Michigan Creditors Bar Association (MCBA) strongly opposes HB 4658 as overbroad and unnecessary. As written, this amendment to the Debt Collection Regulation Act (MCL 445.252) could create unintended consequences for compliant debt collectors, subjecting them to criminal penalties and abusive lawsuits.

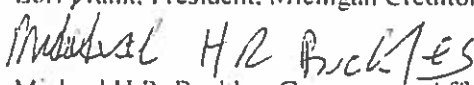
The Creditors Bar, which represents Michigan banks, retailers, and businesses, supports legislation and court rules that strengthen and improve the judicial system. However, this bill will undermine bona fide debt collection and increase frivolous lawsuits against financial institutions and lawyers who represent them.

Proposed sub-sections T, V, U and W are vague, and could be interpreted to create civil and criminal liability for legitimate debt collection. For example, Federal Law requires debt collectors to send debtors a letter warning them that a debt is court officers when they are personally serving process against a defendant in a pending legal action. However, this bill could be abused by debtors and trial attorneys to threaten and sue our members and to deter the bona fide collection of debt, which is essential to our credit based economy.

Lastly, it should be noted that abusing consumers or inciting violence is already prohibited under both the current Michigan Regulation of Debt Collection Act and the Federal Fair Debt Collection Practices Act. But these new provisions are vague and over-broad, which will create unintended consequences and frivolous litigation against banks, business, process servers, court officers and lawyers.

Respectfully submitted,


Lori Frank, President, Michigan Creditors Bar Association


Michael H.R. Buckles, Government Affairs Director, MCBA